



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

DONNELLY et al.

Serial No.: 10/650,011

Filed: August 26, 2003

Atty. File No.: 5107-4

For: "METHOD FOR MONITORING
AND CONTROLLING
LOCOMOTIVES"

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Group Art Unit: 3617

) Examiner: ROBERT J. McCARRY, JR.

) REQUEST FOR CONSIDERATION OF
) SUPPLEMENTAL INFORMATION
) DISCLOSURE STATEMENT AND CITED
) REFERENCES

"EXPRESS MAIL" MAILING LABEL NUMBER: EV556787573US
DATE OF DEPOSIT: 5/13/05

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX
1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Amy S. Duarte

SIGNATURE: Amy S. Duarte

Dear Sir:

Applicant hereby requests the U.S. Patent Office consider the Supplemental Information Disclosure Statement which was mailed on March 24, 2004 and, according to PAIR, was received by the PTO on March 29, 2004. The Notice of Allowability on the above-referenced application mailed April 28, 2005, does not include a signed version of the PTO-1449 filed with the Supplemental Information Disclosure Statement (a copy of which is enclosed herewith).

Although the Applicant believes that no fees are due for filing this request, please charge any fees deemed necessary to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Douglas W. Swartz

Douglas W. Swartz
Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: May 13, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

DONNELLY et al.

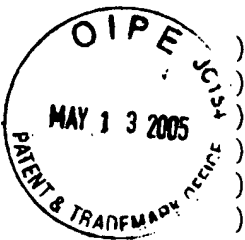
Serial No.: 10/650,011

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For: "METHOD FOR MONITORING AND
CONTROLLING LOCOMOTIVES"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Group Art Unit: 3617

Examiner:

FIRST SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA
22313-1450 ON MARCH 24, 2004.

SHERIDAN ROSS P.C.

BY: 

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☐ Copies of the cited non-patent and/or foreign references are enclosed herewith.

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in
accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and
international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need
not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d),
because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No.
_____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. §
120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are
believed to be summarized in the attached English abstracts and in the figures, although applicants do not
necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have
been or are being submitted:

Serial No. _____ filed _____

Serial No. _____ filed _____

☒ Other: Attached hereto is a copy of the International Search Report for International App.
No. PCT/US03/26994 (Atty. File 5107-4-PCT).

Submission of the above information is not intended as an admission that any item is citable under the
statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in

the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

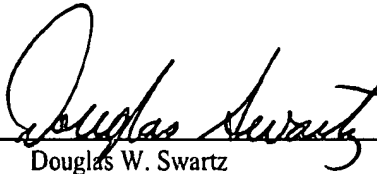
☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Douglas W. Swartz
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1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: March 24, 2004

MAR 29 2004

SHEET 1 OF 1

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 5107-4	SERIAL NO. 10/650,011
	APPLICANT DONNELLY et al.	
	FILING DATE August 26, 2003	GROUP ART 3617

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	AA	5,392,716	02/28/95	Orschek et al.	105	61	
	AB	5,661,378	08/26/97	Hapeman	318	52	
	AC	5,735,215	04/07/98	Tegeler	105	34.1	
	AD	6,612,246 B2	09/02/03	Kumar	105	34.2	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	